HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.26285 OF 1995

DATE: 24th October 2006

Between:
K.Devaraj, s/o K.Ramappa, aged 42 years,
Resident of H.No.32/592, Medari Street,
Kurnool.

... Petitioner.

And

1. The Managing Director,
   A.P.S.R.T.C. Musheerabad,
   Hyderabad and another.

... Respondents.

* * *

ORDER:

This writ petition is filed questioning initiation of disciplinary proceedings against the petitioner while criminal case for the same incident was registered and pending.

2. This Court, while admitting the writ petition, granted stay of all further proceedings in pursuance of the Charge Memo No.01/612(1)/95/KNL-II dated 07.11.1995, issued by the second respondent, in W.P.M.P.No.32391 of 1995 dated 22nd November 1995. In view of the interim stay subsisting till today, the respondents are unable to proceed with the departmental enquiry.

3. The main grievance of the petitioner in the writ petition is that while a criminal case for an alleged offence under Section

34(A) of the Excise Act, 1968, is pending, the respondents are seeking to proceed with the departmental enquiry on the self same allegations.

4. When the writ petition came up for hearing on 17.10.2006, the learned Standing Counsel for the respondents took time for ascertaining the stage of the criminal case. Today, Sri P.Vinayaka Swamy, learned Standing Counsel for respondents, on instructions, represented that the criminal case in C.C.No.133 of 1997 on the file of the Special Judicial Magistrate of First Class for Excise, Kurnool, ended in acquittal on 04.4.2000.

5. Since the only grievance of the petitioner about the simultaneous proceedings as thus abated, the cause in the writ petition does not survive for consideration. It is now open to the respondents to take a decision as to whether they would like to proceed with the disciplinary proceedings or drop the same. The respondents are directed to take such a decision as expeditiously as possible, in any event not later than four weeks from today.

6. With the above observations, the writ petition is disposed of. No costs.

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C.V.NAGARJUNA REDDY, J.

Date: 24th October 2006.
BSB